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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,919	12/22/2003	David Carroll Challener	RPS920030244US1	8405
63203	7590	06/22/2007		
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			EXAMINER YOUNG, NICOLE M	
			ART UNIT 2139	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/748,919

Applicant(s)

CHALLENGER ET AL.

Examiner

Nicole M. Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Notice to Applicant***

This communication is in response to the amendment filed on March 29, 2007. Claims 1-22 remain pending. Claims 1, 7, 4, and 19 have been amended.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Sumner et al (US 2003/0142641)** hereinafter referred to as Sumner.

**Claims 1 and 14** disclose a service and a system comprising:

determining that a mobile computer has lost connectivity to a first access point of a

network; (paragraph [0060], "when a predefined drop in throughput is reached)

when the mobile computer roams (paragraph [0060] "roaming among Access Points of a WLAN is built into the WLAN card) to a second access point of the network,

determining whether the second access point is authorized for secure communication

and if so (scans frequencies for WLANs with a particular SSID.....user-unique logon data with a password),

releasing access to secure data on the network through the second access point

(paragraph [0061], "reads about hotel change on his palmtop computer" and paragraph [0062]).

Also relevant is paragraph [0066] where hotel connection is lost, the company WLAN is detected, logged on to, and company files are accessed.

**Claims 2 and 15** disclose the service and system of Claims 1 and 14, wherein the service or means is undertaken by the mobile computer (paragraph [0073] "may be implemented in hardware or software, or a combination of both.....implemented in computer programs executing on one or more programmable computers .....or for the wireless device a low-power microcomputer").

**Claims 3 and 16** disclose the service and system of Claims 2 and 15, wherein the service or means is undertaken by a hypervisor in the mobile computer (paragraph [0075] discloses a "special purpose programmable computer" and computers configured to operate in "a specific and predefined manner." The Specification defines a "hypervisor" to be a security module "that is a dedicated part of the CPU chip" [page 4 paragraph 2]. The Examiner interprets computer programs to implement the authentication service or system defined above to be a hypervisor).

**Claims 4 and 17** disclose the service and system of Claims 1 and 14, wherein the service or means is undertaken by at least one network resource outside the mobile computer (paragraph [0073] "may be implemented in hardware or software, or a combination of both.....implemented in computer programs executing on one or more programmable computers for the infrastructure elements (control point, gateway, databases and access points).

**Claims 5 and 18** disclose the service and system of Claims 1 and 14, wherein the mobile computer is authenticated at the first access point, prior to losing connectivity

thereto (paragraphs [0056] and [0057] disclose authentication to the airport's WLAN before losing connectivity).

**Claim 6** discloses service of Claim 5 wherein releasing access to secure data on the network through the second access point comprises releasing access to a set of secure data which differs from the secure data released when the mobile computer is connected to the first access point (paragraph [0066] where hotel connection is lost, the company WLAN is detected, logged on to, and company files are accessed through the company database and file server which were not previously accessible through the hotel connection).

**Claim 7** discloses a mobile computer, comprising:

at least one processor (paragraph [0073] "that each include a processor");

at least one wireless transceiver in communication with the processor, the processor executing logic including ("a wireless transceiver....and software to enable switching between WLANs based on control messages received from a control point associated with a WWAN");

determining whether a predetermined communication hardware event has occurred (paragraph [0063] determining connection lost, "WLAN coverage is lost"); and

if a predetermined communication hardware event has occurred, selectively configuring the computer in a non-secure mode (paragraph [0063] "enters a doze or sleep mode").

**Claim 8** discloses the computer of Claim 7, wherein the computer cannot access secure data on the network while configured in said non-secure mode (paragraph [0063] while the mobile device is in sleep or doze mode it cannot authenticate to a network).

**Claim 9** discloses the computer of Claim 7, wherein the computer can access a subset of the secure data on the network while configured in said non-secure mode (paragraph [0065], "he could have waited until another e-mail notice came over the paging channel" this would happen while the computer was in sleep/doze mode and in interpreted as a subset of secure data on the network while in non-secure mode).

**Claim 10** discloses the computer of Claim 7, wherein the predetermined hardware event is a disconnection from a wireless access point (paragraph [0063] determining connection lost, "WLAN coverage is lost").

**Claim 11** discloses the computer of Claim 7, wherein the computer is configured in the nonsecure mode if the computer roams to an access point that is not authorized for secure data transmission (paragraph [0060], while disconnected (interpreted to be nonsecure mode as it is not authenticated) the mobile device roams for WLANs with a certain SSID to authenticate with; if the access point does not have the SSID it is looking for it is not authorized).

**Claim 12** discloses the computer of Claim 10, wherein the processor accesses a list of authorized access points to undertake the act of selectively configuring (paragraph [0070] "If the client Tom is visiting has negotiated with his WAN Provide the SSID and WEP Key, if any for the client's WLAN are available through a central provisioning point. Tom's WAN provider supplies a list of WLANs to Tom's pager/WLAN card).

**Claim 13** discloses the computer of Claim 10, wherein the processor receives a network signal from a wireless access point to indicate whether the wireless access point is an authorized access point to undertake the act of selectively configuring (paragraph

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[0065], when he card scans for service it will receive a signal from the hotel WLAN indicating it is authorized for connection).

**Claim 19** discloses a method comprising:

establishing communication between a mobile computer and a network through an access point (paragraphs [0056] and [0057] disclose authentication to the airport's WLAN);

and based on at least one of: a location, and an identification, of the access point, selectively granting the computer access to secure assets in the network (paragraph [0060] discloses roaming to "several different WLAN Access Points" while in motion because the range of each Access Point is "100-300 feet"; the Access Points also have to meet the criteria of having a particular SSID, an identification).

**Claim 20** discloses the method of Claim 19, wherein the act of selectively granting is undertaken by the mobile computer (paragraph [0073] "may be implemented in hardware or software, or a combination of both.....implemented in computer programs executing on one or more programmable computers .....or for the wireless device a low-power microcomputer").

**Claim 21** discloses the method of Claim 20, wherein the act of selectively granting is undertaken by a hypervisor in the mobile computer (paragraph [0075] discloses a "special purpose programmable computer" and computers configured to operate in "a specific and predefined manner." The Specification defines a "hypervisor" to be a security module "that is a dedicated part of the CPU chip" [page 4 paragraph 2]. The

Examiner interprets computer programs to implement the authentication service or system defined above to be a hypervisor).

**Claim 22** discloses the method of Claim 19, wherein the computer is configured to access a first set of network assets when communicating through a first access point and a second set of network assets when communicating through a second access point (paragraph [0066] where hotel connection is lost, the company WLAN is detected, logged on to, and company files are accessed through the company database and file server which were not previously accessible through the hotel connection).

**Note:** Examiner has pointed out particular references contained in the prior arts of record and in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable to the limitations of the claims. It is respectfully requested from the applicant, in preparing for response, to consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

### ***Specification***

The disclosure is objected to because of the following informalities:

The use of the trademark "Bluetooth" (page 4 line 4) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.



Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

The objection to the Specification is maintained.

### ***Claim Objections***

Claim 9 has been amended to overcome the objection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-22** recite the limitation "the computer". There is insufficient antecedent basis for this limitation in the claim. Each claim should state "the mobile computer" in all instances.

The rejection is maintained.

The rejection of claims 1-6, 8, 9, 14-18, 19-22 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn.

### ***Response to Arguments***

Applicant's arguments filed March 29, 2007 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed March 29, 2007.

The arguments for claims 1, 6, 7, 9, 16, and 22 will be addressed first. The Applicant argues that the prior art does not teach "access to one set of secure data....another access point". The Examiner respectfully disagrees. Paragraph [0066] of Sumner teaches when connected to a local access point accessing files on the corporate database and comparing them to local copies. The Examiner interprets this to be accessing both corporate secure files and local secure files which are different. This argument would also apply to establishing a level of data access based on the access point.

The Applicant argues that the prior art does not contain a hypervisor or any cognizable synonym as in claims 3, 16, and 21. The Examiner respectfully disagrees. Paragraph [0075] discloses a "special purpose programmable computer" and computers configured to operate in "a specific and predefined manner." This is done through the use of a computer program. The Examiner interprets this to be an operating system located on a dedicated storage medium.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

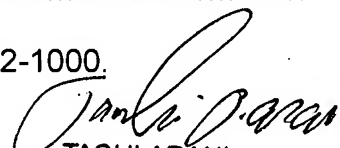
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole M. Young whose telephone number is 571-270-1382. The examiner can normally be reached on Monday through Friday, alt Fri off, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
TAGHI ARANI  
PRIMARY EXAMINER  
6/19/07